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12

13 UNITED STATES DISTRICT COURT
14 DISTRICT OF NEVADA
15

16 MELVIN SHIPMAN,
17
18 Plaintiff,
19 vs.

20 NAV-LVH CASINO, LLC dba WESTGATE
21 LAS VEGAS RESORT & CASINO, a Nevada
22 Limited Liability Company,
23 Defendant.
24

) CASE NO. 2:16-cv-02722-JCM-CWH
)
) STIPULATION AND REQUEST TO
) EXTEND DISCOVERY AND OTHER
) DEADLINES
) (Fifth Request)

25 COME NOW, Plaintiff, named above, by and through his counsel of record, MICHAEL P.
26 BALABAN, ESQ., and Defendant, named above, by and through its attorneys of record, MYRNA
27 L. MAYSONET, ESQ., CHERISH A BENEDICT, ESQ., and PHILLIP A. SILVESTRI, ESQ.,
28 pursuant to Local Rule 26-4, and herein stipulate, agree and make joint application to extend the

1 discovery cut-off and related dates for a period of thirty (30) days up to and including August 1,
2 2018. The present discovery cut-off date is July 2, 2018, and no calendar call date or trial date has
3 been set.

4 The parties attempted to make this request in accordance with LR 26-4 and the prior
5 scheduling Order, which provides that requests for further discovery extensions must be made no
6 later than twenty-one (21) days before the existing discovery cut-off date, or, here, by June 11,
7 2018. Due to communication delays, the parties were unable to agree to terms of the extension
8 until approximately midnight on June 11, 2018. The parties submit this request as soon as
9 practicable after agreement. This is the fifth request for an extension.

10 The parties have completed written discovery and are in the process of scheduling
11 depositions. A number of key witnesses have moved and/or are no longer working for defendant.
12 Witnesses have also moved out of state. While the parties are in the process of locating the
13 witnesses, it has taken more time than anticipated. The parties have agreed to conduct several
14 depositions prior to the current close of discovery, however. Counsel for both parties have other
15 cases before this Court, which involve overlapping witnesses to some extent and, thus, the
16 attorneys for both parties are coordinating the scheduling of the depositions in such cases to
17 minimize the burden on the witnesses and travel for out-of-state counsel.

18 The parties and their attorneys have diligently worked to complete discovery as
19 expediently as possible and will continue to try to complete the remaining discovery in as
20 expedient a manner as possible.

21 Given the above, the parties request that the discovery period be extended as follows:

<u>Activity</u>	<u>Former Date</u>	<u>Requested Date</u>
Discovery Cut-Off Date	07/02/18	08/01/18
Dispositive Motions	07/31/18	08/31/18
Pretrial Order	08/28/18	09/30/18 ¹

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¹ Or 30 days after the decision on the last dispositive motion.

1 In accordance with LR 26-4 the parties understand that any further requests for discovery
2 extensions must be made no later than twenty-one (21) days before the new proposed discovery
3 cut-off date of August 2, 2018, or no later than twenty-one (21) days before any other deadline
4 sought to be extended.
5

6 DATED this 12th day of June, 2018.

7 Law Offices of Michael P. Balaban

Greenspoon Marder LLP

8 /s/ Michael P. Balaban

/s/ Myrna L. Maysonet

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Attorneys for Defendant

25 IT IS SO ORDERED

26 
27 UNITED STATES MAGISTRATE JUDGE
28

DATED: June 13, 2018